IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1231 OF 2005
IN
SUIT NO.113 OF 1995

Canara Bank. ..Plaintiff.
Vs.
M/s.Atul Transport Company and ors. ..Defendants.
And
Rajesh A. Shah & Nilesh A. Shah. ..Respondents.

Mr. Umesh Shetty i/by Umesh Shetty & Co. for the plaintiff.

CORAM: A.S. OKA, J.
DATE : August 10, 2007

P.C.

1. Not on board. Upon mentioning taken on board.

2. My attention has been invited to order dated 16th January, 2006 passed by this court. The Office noting indicates that as the affidavit of service was not filed in terms of the said order, the Chamber Summons stands dismissed. My attention has been invited to the fact that Vakalatnama has been filed by M/s. Udaipuri & Co. for the respondents in the Chamber summons. The said Vakalatnama is placed under objection as the number of the Chamber Summons as mentioned in the Vakalatnama is incorrect. Moreover, the learned counsel for the plaintiff states that as per the chamber order dated 10th January,2006, Chamber Summons has been served by

substituted service. As appearance was caused by the respondents in the Chamber summons through an Advocate even before 16th January, 2006, it is obvious that the Chamber Summons cannot be treated as dismissed. Therefore, this Chamber summons will have to be treated as pending. Place the Chamber summons for hearing on 23rd August, 2007. The Advocate on record for the plaintiff to give notice to the concerned Advocates on record for the other parties.

(A.S. OKA, J.)